

IN THE UNITED STATES DISTRICT COURT FOR THE
MIDDLE DISTRICT OF ALABAMA

EMILIA STRONG SYKES, et al.,)	
)	
)	
Plaintiffs,)	
)	CASE NO.: 3:06-CV-582
)	
vs.)	
)	
BENJAMIN F. PAYTON,)	
PETER SPEARS, MINNIE R. AUSTIN,)	
and TUSKEGEE UNIVERSITY,)	
)	
Defendants.)	

AFFIDAVIT OF PETER SPEARS

BEFORE ME the undersigned, a Notary Public, in and for the State of Alabama,
County of Macon, personally appeared **PETER SPEARS**, who being first duly sworn,
says as follows:

"My name is Peter Spears and I am over the age of nineteen (19) years. I am a resident of Tuskegee, Alabama and employed at Tuskegee University as the Dean of Students. In my position as Dean, I had the occasion to receive a letter dated June 27, 2006 and received by me on July 6, 2006 from Ms. Cynthia J. Finch, South Eastern Regional Director of Alpha Kappa Alpha Sorority, Inc., notifying Tuskegee University that Ms. Emilia Sykes (sic Skyes) among others, has been suspended from her sorority for hazing violations. According to Tuskegee University Student Handbook and "Miss Tuskegee University" Procedure Manual, this conduct immediately disqualifies the student, Ms. Emilia Sykes, from holding the title of "Miss Tuskegee University" or as a

member of the court. Attached to this affidavit are Exhibits "A", "B", and "C", which supports my statement and are incorporated herein as if fully setout.

The Tuskegee University Pageant held on April 20, 2006 was for the election of "Miss Tuskegee University" for the school year 2006-2007. The school year for 2006-2007 begins with the fall semester. "Miss Tuskegee University" only represents the university at Tuskegee University sanctioned events. I am familiar with all the facts stated in this affidavit.

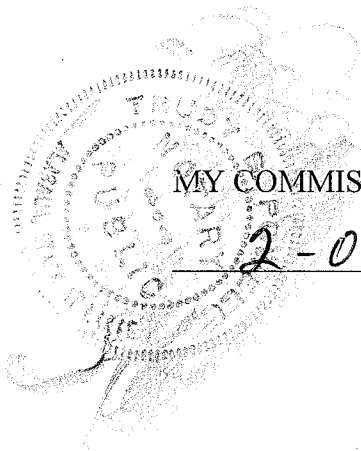
Peter Spears (L.S.)
PETER SPEARS

SWORN TO AND SUBSCRIBED BEFORE ME THIS 26TH DAY OF JULY, 2006.

Judy B. Powell
NOTARY PUBLIC

MY COMMISSION EXPIRES:

2-02-007





Alpha Kappa Alpha Sorority INCORPORATED

ALPHA KAPPA ALPHA CORPORATE OFFICE • 5656 SOUTH STONY ISLAND AVENUE • CHICAGO, IL 60637-1997 • (773)684-1282

OFFICE OF:

CYNTHIA J. FINCH

South Eastern Regional Director

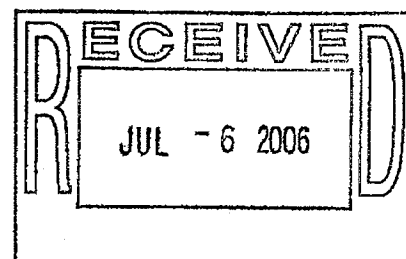
201 Delta Road

Knoxville, TN 37914-3810

AKA: (865) 546-0292

Fax: (865) 546-0316

Email: cynaka@bellsouth.net



June 27, 2006

Dean Peter J. Spears
Office of Student Life
Tuskegee University
Old Administration Building
Tuskegee, AL 36088



Dear Dean Spears:

Alpha Kappa Alpha Sorority, Inc. has a chapter on your campus on Tuskegee University, Gamma Kappa Chapter. Each undergraduate chapter on college campuses are guided by a set of documents including a Constitution and By-Laws, Membership Intake Program (MIP), and a Graduate Advisor's Institute Certification and Procedure Manual. At this time there are several young ladies that are in violation of our policies and procedures. Please note the enclosed list of individual members of Gamma Kappa chapter of Alpha Kappa Alpha Sorority, Inc. that are on suspension by our sorority.

Your contact from the supervising Graduate chapter, Beta Xi Omega, Tuskegee, Alabama is Mrs. Faye Pond Haygood. You may contact her at 334-727-5916 or 334-277-1234.

Once again let us thank you for the continued support in Alpha Kappa Alpha Sorority, Inc. presence on your college campus. Our organization continues to stand behind "Zero Tolerance" for hazing.

Please note that after July 16, 2006, there will be a new South Eastern Regional Director, Ms. Juanita Sims Doty. Please feel free to continue to contact me at (865) 215-4753 or contact the Graduate chapter contact if you have any questions until this time.

Sincerely,


Cynthia J. Finch
South Eastern Regional Director

Enclosure
CJF/rb

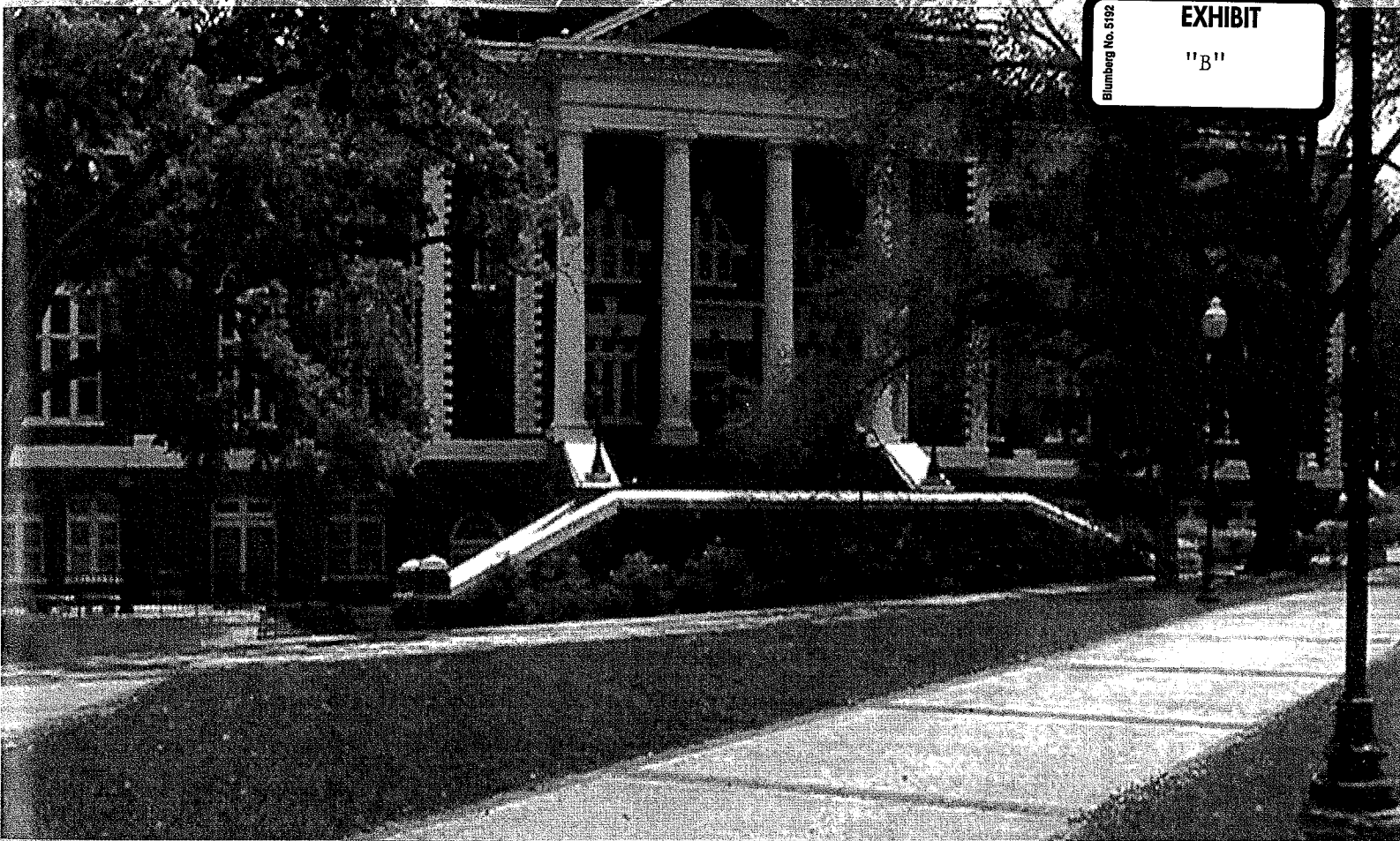
Cc: Faye Pond Haygood, President, Beta Xi Omega Chapter
Juanita Sims Doty, South Eastern Regional Director-Elect

Gamma Kappa Suspension List

Khalid Abdullah	0 [redacted] Ridge Dr.	Homewood	AL	35289
[redacted]	05 [redacted] Magnolia Ave Apt. 16	Auburn	AL	36830
[redacted]	26 [redacted] Dr.	Montgomery	AL	36108
[redacted]	2 [redacted] Dr.	Atlanta	GA	30310
[redacted]	30 [redacted] Terrace NW	Birmingham	AL	35215
[redacted]	1 [redacted] Drive	Childersburg	AL	35044
[redacted]	[redacted] East 22nd Ave	Denver	CO	80207
[redacted]	[redacted] Spange Rd	Huntsville	AL	35806
[redacted]	[redacted] Dr.	Selma	AL	36701
[redacted]	1 [redacted] Street	Moss Point	MS	39563
[redacted]	[redacted] Dr	Gastonia	NC	28052
[redacted]	60 [redacted] Street	Ft. Valley	GA	31030
[redacted]	[redacted] Rd	Charlotte	NC	28216
[redacted]	PO Box 42	Pensacola	FL	32523
[redacted]	[redacted] Circle	Hermitage	TN	37076
[redacted]	8 [redacted] Ave	Leeds	AL	35094
[redacted]	26 [redacted] Street	Denver	CO	80207
[redacted]	3 [redacted]	Tuskegee	AL	36088
[redacted]	100 [redacted] Circle	Evans	GA	30809
[redacted]	PO Box 42	Malcom	AL	36556
[redacted]	7544 Mayo Blvd	New Orleans	LA	70126
[redacted]	2842 Belmont St	Selma	AL	36701
[redacted]	7 [redacted] Street	Selma	AL	36703
[redacted]	24 [redacted] Rd	Selma	AL	36703
[redacted]	949 Carlton Ave	Mobile	AL	36617
[redacted]	1 [redacted] Ave	Baton Rouge	LA	70817
[redacted]	1 [redacted]	Glencoe	AL	35905
[redacted]	[redacted]	Glencoe	AL	35905
Emilia Skyes	133 Furnance Run Rd	Akron	OH	44307
[redacted]	[redacted]	Madison	AL	35756
[redacted]	16 [redacted] Dr	Birmingham	AL	35215
[redacted]	24 [redacted] Court	Huntsville	AL	35806
[redacted]	[redacted] Drive	Mobile	AL	36609
[redacted]	[redacted] East	Tuscaloosa	AL	35404
[redacted]	117 [redacted] Ave	Harvest	AL	35749
[redacted]	1 [redacted] Drive	Cincinnati	OH	45241
[redacted]	11 [redacted] Dr.	Salt Lake City	UT	84094

TUSKEGEE

U N I V E R S I T Y



Blumberg No. 5192

EXHIBIT

"B"

www.tuskegee.edu

Student Handbook

Revised 2005

University faculty or staff and hold membership in the organization. Some Greek-letter organizations are given special permission for non-faculty or staff members to serve as advisors. The advisor is the liaison between the organization and the University, and is required to attend all meetings and activities sponsored by the organization.

Organizational Membership Intake

Most organizations have nationally adopted procedures for membership intake. These procedures, however, must not conflict with rules and regulations outlined by the University, and the intake process must proceed only within the time frame authorized by the University. The Director of Student Life and Development with approval by the presidents of the Pan-Hellenic and National Service Organization Councils and the Dean of Students will publish the schedule for intake activities.

The following rules apply to the membership intake process:

1. A certification form must be filed with the Director of Student Life and Development before the process begins.
2. Candidates for intake may not be on academic or social probation; must be officially enrolled as determined by the Registrar; and, must have achieved academic classification higher than freshman status, as determined by the Registrar.
3. Intake activities may not be conducted during regularly scheduled class hours.
4. Students who are not enrolled at the University may not participate in intake activities on campus without the permission of the Dean of Students. Students who are enrolled at the University may not travel to other universities to complete intake activities without the permission of the Dean of Students.
5. Organizations may not impose financial requirements on a prospective member except for officially established initiation and membership fees.
6. The Dean of Students must grant permission for the selection of an organization advisor who is not a member of the Tuskegee University faculty or staff. Such permission must be granted at least thirty (30) days prior to beginning of the intake process.

7. All requests for verification of a student's academic status must be submitted to the Director of Student Life and Development. The Director will verify and clear GPA requirements of all candidates with the Registrar. Transcripts will not be provided to any student group.
8. Names and addresses of new members must be submitted to the Director of Student Life and Development within five (5) days after completion of their intake.
9. All students interested in becoming members of fraternities and sororities must have a cumulative grade point average of 2.80/4.00 at the time of applying for membership.
10. No transfer student will be eligible for intake until two semesters have been completed at Tuskegee University and the student has a GPA of 2.80 or better.

POSITION STATEMENT ON HAZING AND PRE-INITIATION ACTIVITIES

Hazing is any action taken or situation created, intentionally, whether on or off campus premises, that produces mental or physical discomfort, embarrassment, harassment or ridicule. Such activities and situations may include paddling, in any form; creation of excessive fatigue; physical and/or psychological shock; engaging in public stunts and/or buffoonery; late work sessions which interfere with scholastic activities; and, any other activities which are not consistent with fraternal or sorority law, rituals or policies, or the rules, regulations or policies of Tuskegee University. Hazing has no rightful place in the sorority or fraternity system, and is absolutely not tolerated at Tuskegee University. **Organizations found guilty of hazing will be subject to severe sanctions and/or penalties.**

Hazing as a part of the intake process is, without exception, strictly forbidden. Violators are subject to severe disciplinary action, which may include suspension.

Hazing is a violation of Alabama state law, and the policies, rules, and regulations of Tuskegee University.

The University prohibits any form of hazing—physical or mental abuse— at any time before, during or after the intake process.

Hazing specifically includes, but is not limited to:

- a. Subjecting a candidate to humiliating and painful ordeals;
- b. Physical or mental abuse;
- c. Personal indignity from abusive behavior; and
- d. Paddling in any form.

Organizations may not ask or allow prospective members to:

- a. Damage or destroy property;
- b. Participate in any activity that may disrupt regular campus activities; or
- c. Participate in any activity that may reflect unfavorably upon the University or the organization.

Candidates for organizational intake are required to report incidents of hazing to the Dean of Students, the Director of Student Life and Development, and the organization's advisor.

POSITION STATEMENT ON ALCOHOLIC BEVERAGES

- No alcoholic beverages should be present at any membership intake program or activity of the chapter, neither on nor off campus
- No organization, nor individual chapter member, should permit, tolerate, encourage, or participate in "*drinking games*."
- With less than half of the members of the average fraternity or sorority chapter of an age to legally consumer alcoholic beverages, the University advises that alcoholic beverages not be purchased through the chapter treasury, nor purchased by individual members of the chapter for other members or guests.
- The fraternity or sorority, with its important responsibility for the development of its youngest members, should not permit chapter members, collectively or individually, to purchase, serve or sell alcoholic beverages to any minor (i.e., persons under legal drinking age).

ROSTER OF STUDENT ORGANIZATIONS

General Organizations

Civic Organizations

Campus Digest

TU College Democrats
Gospel Ensemble
NAACP, TU Chapter
Rave Review
Student Government Association

Pan-Hellenic Council

TU Cheerleaders
Alpha Kappa Alpha Sorority, Inc.
TU's Golden Essence Dance Team
Alpha Phi Alpha Fraternity, Inc.
TU Golden Voices Concert Choir
Delta Sigma Theta Sorority, Inc.
TU TV
Kappa Alpha Psi Fraternity, Inc.
Tuskeana (Yearbook)
Omega Psi Phi Fraternity, Inc.
University Concert Band
Phi Beta Sigma Fraternity, Inc.
University Marching Band
Sigma Gamma Rho Sorority, Inc.
University Choir
Zeta Phi Beta Sorority, Inc.
WTEC Music Room

Honor Societies

Alpha Delta Mu Honor Society
Social Work
Alpha Kappa Delta Honor Society
Sociology
Alpha Kappa Mu Honor Society
General
Beta Gamma Sigma Honor Society
Management
Beta Kappa Chi Scientific Honor Society
Natural Sciences
Epsilon Tau Sigma Honor Society
Allied Health
Eta Kappa Nu Honor Society
Electrical Engineering
Gamma Sigma Delta Honor Society
Agriculture
Golden Key Honor Society
All Disciplines

9. **Defiance of authority.** Any student may be charged with defiance of authority if he/she shows defiance or belligerence toward a University security officer, faculty member or other University official who, in the line of duty, asks for identification or information. Students are expected to carry University identification cards at all times and must identify themselves to University officials upon request. It is understood that University Officials or security officers will identify themselves before making such a request.
- *10. **Fire and fire safety systems-related offenses.** Unauthorized setting of fires unauthorized tampering with any fire alarms or fire safety and/or emergency equipment or vehicle.
11. **Unauthorized taking or possession of property or services of another,** to include theft and/or receiving stolen property of the University or another person, including the unauthorized sale of the academic property of the University or another person to deny the use of the same when required.
- *12. **Possession of weapons and explosives.** The possession or use of explosives, incendiary materials, fireworks, firearms or weapons, such as mace or pepper spray, on University property is absolutely prohibited. The knowing possession, use or storage of firearms or dangerous weapons, except for authorized academic or employment purposes, is also prohibited under this section. The use of an instrument that can be mistaken for a real weapon, (including, but not limited to, lifelike revolvers, water pistol/gun, semi-automatic weapons, dummy grenades and incendiary devices) in a threatening or intimidating manner is prohibited. The violation will be treated as if a real weapon were used.
- *13. **Possession of alcoholic beverages, illegal drugs or drug paraphernalia.** The possession, consumption, use, manufacture, sale or distribution of alcoholic beverages, narcotics, other illegal drugs or drug paraphernalia on University premises or at a University-sponsored or University-related activity.
- ✓ 14. **Hazing:** Any contact with another person that causes physical injury or mental abuse to another person.
- *15. **Hazing,** as defined under the statutory codes of the State of Alabama.
16. **Fraud against the University. Forging, altering, misrepresenting or otherwise falsifying any transcript, academic record, identification card or other official University document.** Also any forgery, misuse or alteration of any University document or records, misuse of the University's computer system to gain access to restricted information, or knowingly furnish false information to the University, whether by a prospective student in connection with prospective student's application for admittance to the University or by an enrolled student.
17. **Making a false report concerning a fire, bomb or other emergency, or making a false report concerning a violation of the *Codes of Conduct* or a crime.**
18. **Misconduct at a formal hearing.** Deliberate and knowing misrepresentation or lying during a formal inquiry conducted by University authorities. This includes misrepresentations or false statements to the Judicial Affairs Officer/Counselor or other persons investigating alleged violations of the *Codes of Conduct*.
19. **Unauthorized or fraudulent use of services or facilities** such as computer services or the University's telephone facilities.
20. **Library offenses.** Unauthorized removal, stashing, or sequestering, defacing, mutilating or theft of library materials, or willful and repeated failure to respond to recall, return or past due notices.
21. **Violation of an international, federal, state or local law or ordinance.**
22. **Abuse of the Judicial System.** Knowingly making false charges or giving false testimony in an attempt to have a student sanctioned by the University.
- *23. **Rape,** as defined by the Alabama Criminal Code.
- *24. **Sexual misbehavior,** and/or performing or assisting in the performance of uninvited contact with another person, which includes concealing knowledge of sexual misconduct with a minor person.

- * 25. **Killing a human being.**
- ✓ 26. **Conduct inappropriate for a Tuskegee University student.** This is conduct, which may bring disfavor upon the University. Additionally, students may be sanctioned for conduct which constitutes a hazard to the health, safety, or well-being of members of the University community, or which is detrimental to the University's interest, whether such conduct occurs on campus, off-campus, or at University-sponsored events.
27. **Organization misconduct.** Any action by a campus group that is contrary to or in violation of the *Codes of Conduct* or other regulations prescribed by the University. Liability of violations may be corporate and/or individual responsibility.
28. **Identification card violations.** It is a violation of University policy and the *Codes of Conduct* to use another person's identification card.

Students must carry their identification card with them at all times and present the card to University officials upon request. Security personnel reserve the right to detain students who fail to produce identification cards until such time as the student's identification and enrollment status have been determined.

29. **Any attempt to commit any of the above-stated offenses.**

Students who are subject to disciplinary actions and are intending to withdraw from the University MUST make sure these disciplinary actions are resolved prior to their withdrawal. Failure to respond to a judicial summons or to resolve a judicial matter prior to withdrawal will result in a "HOLD" being placed on the student's academic record.

Tuskegee University's Policy on the Possession and Use of Firearms on Campus

Statement Update

(Firearms, as referred to in this statement update, mean any hand guns, including recreation pistols, stun guns or pellet pistols, air guns or BB pistols, and the like, as well as game and toy rifles, skeet, water gun, and BB rifles, and other such classes or weaponry as might be classified as firearms of any caliber with the potential to inflict injury.)

Tuskegee University prohibits the possession, discharging or storage of firearms on campus by students. The policy is specifically stated in such University publications as the *Student Handbook*, *Fire Safety and Security Manual*, and the *Residence Hall Handbook*. It is restated here as an urgent announcement in continuing support of both the general welfare of campus constituent groups, and for the personal safety of all persons employed, studying, or visiting the campus.

This policy will be strictly enforced. Violators will receive summary disciplinary actions and sanctions, which may result in termination of employment, expulsion from the University, denials of request to visit the campus, or undergo criminal process by civilian authorities.

Policy Statement on Discrimination and Harassment including Sexual Harassment

It is the policy of Tuskegee University to provide an educational and employment environment free from all forms of intimidation, hostility, offensive behavior and discrimination, including sexual harassment. Such behavior or tolerance of such behavior, on the part of an administrator, supervisor, faculty or staff member violates the policy of the University and may result in disciplinary action, including termination. The conduct herein described is contrary to University policy and may be illegal under both State and federal laws.

The United States Equal Opportunity Commission defines sexual harassment as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when (1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment; (2) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or, (3) such conduct has the purpose or effect of unreasonable interference with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

Each chairperson, supervisor, unit head or manager is responsible for making sure all students and employees within his or her area of responsibility are aware of this policy, for ensuring that personnel decisions are in accordance with this policy, and for initiating corrective actions (upon consultation with the Offices of the Provost, Dean of Students or Human Resources Management, as appropriate).

TUSKEGEE UNIVERSITY
Office of Student Life and Development
MR./MISS TUSKEGEE UNIVERSITY
PROCEDURES MANUAL



I. APPLICATION PROCESS

Application forms must be completed and submitted to the Director of Student Life and Development, for participation. The Advisory Committee will interview all qualified candidates.

ELIGIBILITY

- A. A two hundred-dollar (\$200.00) eligibility refundable deposit is required from all candidates who aspire to be Mr. or Miss Tuskegee University. This refund is due only to those candidates who do not make the courts. **(THIS MUST BE PAID IN FULL BY A POSTAL MONEY ORDER WITH APPLICATION TO MR. J. BROWN).**
- B. Candidate must be a full-time undergraduate male or female student.
- C. The candidate **MUST NOT** have any children before or during his or her reign as Mr. or Miss Tuskegee University, or as a member of their courts.
- D. No student shall hold the title of Mr. or Miss Tuskegee University and any other title during his or her reign. (e.g. Mr. TU and Mr. Sophomore).
- E. GPA requirement 2.8 cumulative or better.
- F. He or she must be in good standing with the University at the time of nomination. (No outstanding tuition fees, no judicial affairs community service against you).
- G. Must have completed 45 semester hours at the time of application, and confirmed by the Registrar's Office
- H. Candidates shall be eligible for readmission for Fall Semester of their reign.

II. CAMPAIGN AND WITHDRAWAL

Campaigns should be limited to the following:

D. RUN-OFF

In the event of a "Student tie", the judges' decision the night of the pageant will be final for each candidate.

III. DUTIES AND RESPONSIBILITIES OF MR. AND MISS TU AND COURT

Mr. and Miss TU and Court, are official representatives of Tuskegee University, and must adhere to professional dress codes and conduct at all times, both on and off campus.

A. DRESS CODE

1. Mr. and Miss TU and Court shall wear properly cleaned and pressed clothing at all times.
2. Shorts or cut-offs are not allowed, unless it is required attire (e.g. for P.E. class, or aerobics). Walking shorts are permissible. Use good judgment at all times.

*The Director of Student Life and Development and the Advisory Board are responsible for selecting and coordinating Mr. and Miss TU and their Court's wardrobe for University engagements.

B. CONDUCT

1. Mr. and Miss TU and their Courts shall exemplify professional conduct at all times including personal outings. Any unprofessional conduct by Mr. or Miss TU or their Court members (as outlined in the Tuskegee University Student Handbook) will result on immediate disqualification.

2. Mr. and Miss TU and Court shall not:

- a. Use Alcoholic Beverages or Illegal Drugs
- b. Smoke in Public
- c. Exhibit any physical contact or affection in public (except brief handshakes and hugs)
- d. Use profane or obscene language in public
- e. Work in night clubs, the dog track, ABC stores, or Video Parlors, or any place that serves alcoholic beverages.
- f. **TUSKEGEE UNIVERSITY RESERVES THE RIGHT TO CHANGE ANY OR ALL REQUIREMENTS SHOULD CONDITIONS MAKE IT NECESSARY.**

C. PUBLIC APPEARANCE

Mr. and Miss TU and Courts serve as public relation persons for the University.